

Senate File 39 - Enrolled

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1 1 SENATE FILE 39
1 2
1 3 AN ACT
1 4 RELATING TO CAMPAIGN CONTRIBUTIONS, THE FILING OF DISCLOSURE
1 5 REPORTS, THE POSTING OF STATEMENTS AND REPORTS ON THE
1 6 INTERNET, THE POSTING OF SIGNS ON PRIVATE PROPERTY, AND THE
1 7 ESCHEAT OF FUNDS FROM AN UNKNOWN OR UNIDENTIFIABLE SOURCE.
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1 9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
1 10
1 11 Section 1. Section 68A.102, subsection 10, paragraph b,
1 12 unnumbered paragraph 2, Code 2007, is amended to read as
1 13 follows:
1 14 "Contribution" shall not include services provided without
1 15 compensation by individuals volunteering their time on behalf
1 16 of a candidate's committee or political committee or a state
1 17 or county statutory political committee except when organized
1 18 or provided on a collective basis by a business, trade
1 19 association, labor union, or any other organized group or
1 20 association. "Contribution" shall not include refreshments
1 21 served at a campaign function so long as such refreshments do
1 22 not exceed fifty dollars in value or transportation provided
1 23 to a candidate so long as its value computed at ~~a rate of~~
~~1 24 twenty cents per mile the current rate of reimbursement~~
~~1 25 allowed under the standard mileage rate method for computation~~
~~1 26 of business expenses pursuant to the Internal Revenue Code~~
1 27 does not exceed one hundred dollars in value in any one
1 28 reporting period. "Contribution" shall not include something
1 29 provided to a candidate for the candidate's personal
1 30 consumption or use and not intended for or on behalf of the
1 31 candidate's committee.
1 32 Sec. 2. Section 68A.201, subsection 1, Code 2007, is
1 33 amended to read as follows:
1 34 1. Every committee, as defined in this chapter, shall file
1 35 a statement of organization within ten days from the date of
2 1 its organization. Unless formal organization has previously
2 2 occurred, a committee is deemed to have organized as of the
2 3 date that committee transactions exceed the financial activity
2 4 threshold established in section 68A.102, subsection 5 or 18.
2 5 ~~If committee transactions exceed the financial activity~~
~~2 6 threshold prior to the due date for filing a disclosure report~~
~~2 7 as established under section 68A.402, the committee shall file~~
~~2 8 a disclosure report whether or not a statement of organization~~
~~2 9 has been filed by the committee.~~
2 10 Sec. 3. Section 68A.201, subsection 5, Code 2007, is
2 11 amended to read as follows:
2 12 5. a. When either a committee or organization not
2 13 organized as a committee under this section makes a
2 14 contribution to a committee organized in Iowa, that committee
2 15 or organization shall disclose each contribution in excess of
2 16 fifty dollars to the board.
2 17 b. A committee or organization not organized as a
2 18 committee under this section ~~which that~~ is not registered and
2 19 filing full disclosure reports of all financial activities
2 20 with the federal election commission or another state's
2 21 disclosure commission shall register and file full disclosure
2 22 reports with the board pursuant to this chapter, ~~and. The~~
~~2 23 committee or organization shall either appoint an eligible~~
~~2 24 Iowa elector as committee or organization treasurer, or shall~~
~~2 25 maintain all committee funds in an account in a financial~~
~~2 26 institution located in Iowa.~~
2 27 c. A committee ~~which that~~ is currently filing a disclosure
2 28 report in another jurisdiction shall either file a statement
2 29 of organization under subsections 1 and 2 and file disclosure
2 30 reports, ~~the same as those required of committees organized~~
~~2 31 only in Iowa, under section 68A.402, or shall file one copy of~~
~~2 32 a verified statement with the board and a second copy with the~~
~~2 33 treasurer of the committee receiving the contribution. The~~
~~2 34 form shall be completed and filed at the time the contribution~~
~~2 35 is made within fifteen days of the contribution being made.~~
3 1 d. The verified statement shall be on forms prescribed by
3 2 the board and shall attest that the committee is filing
3 3 reports with the federal election commission or in a

3 4 jurisdiction with reporting requirements which are
3 5 substantially similar to those of this chapter, and that the
3 6 contribution is made from an account ~~which that~~ does not
3 7 accept contributions ~~which that~~ would be in violation of
3 8 section 68A.503.

3 9 e. The form verified statement shall include the complete
3 10 name, address, and telephone number of the contributing
3 11 committee, the state or federal jurisdiction under which it is
3 12 registered or operates, the identification of any parent
3 13 entity or other affiliates or sponsors, its purpose, the name
3 14 and address of an Iowa resident authorized to receive service
3 15 of original notice, and the name and address of the receiving
3 16 committee, the amount of the cash or in-kind contribution, and
3 17 the date the contribution was made.

3 18 Sec. 4. Section 68A.203, subsection 2, Code 2007, is
3 19 amended to read as follows:

3 20 2. a. An individual who receives contributions for a
3 21 committee without the prior authorization of the chairperson
3 22 of the committee or the candidate shall be responsible for
3 23 either rendering the contributions to the treasurer within
3 24 fifteen days of the date of receipt of the contributions, or
3 25 depositing the contributions in the account maintained by the
3 26 committee within seven days of the date of receipt of the
3 27 contributions.

3 28 b. A person, other than a candidate or committee officer,
3 29 who receives contributions for a committee shall, not later
3 30 than fifteen days from the date of receipt of the
3 31 contributions or on demand of the treasurer, render to the
3 32 treasurer the contributions and an account of the total of all
3 33 contributions, including the name and address of each person
3 34 making a contribution in excess of ten dollars, the amount of
3 35 the contributions, and the date on which the contributions
4 1 were received.

4 2 c. The treasurer shall deposit all contributions within
4 3 seven days of receipt by the treasurer in an account
4 4 maintained by the committee.

4 5 d. All funds of a committee shall be segregated from any
4 6 other funds held by officers, members, or associates of the
4 7 committee or the committee's candidate. However, if a
4 8 candidate's committee receives contributions only from the
4 9 candidate, or if a permanent organization temporarily engages
4 10 in activity which that qualifies it as a political committee
4 11 and all expenditures of the organization are made from
4 12 existing general operating funds and funds are not solicited
4 13 or received for this purpose from sources other than operating
4 14 funds, then that committee is not required to maintain a
4 15 separate account in a financial institution.

4 16 e. Committee funds or committee property shall not be used
4 17 for the personal benefit of ~~an~~ a candidate, officer, member,
4 18 or associate of the committee. The funds of a committee are
4 19 not attachable for the personal debt of the committee's
4 20 candidate or an officer, member, or associate of the
4 21 committee.

4 22 Sec. 5. Section 68A.401, subsections 1 and 3, Code 2007,
4 23 are amended to read as follows:

4 24 1. All statements and reports required to be filed under
4 25 this chapter shall be filed with the board. The board shall
4 26 ~~provide copies of all statements and reports filed under this~~
4 27 ~~chapter for a county, city, school, or other political~~
4 28 ~~subdivision to the commissioner responsible under section 47.2~~
4 29 ~~post on its internet website all statements and reports filed~~
4 30 ~~under this chapter.~~

4 31 3. ~~The commissioner shall retain statements and reports~~
4 32 ~~provided by the board for a county, city, school, or other~~
4 33 ~~political subdivision for at least three years from the date~~
4 34 ~~of the election in which the committee is involved. However,~~
4 35 ~~statements and reports provided by the board for county~~
5 1 ~~statutory political committees shall be retained for five~~
5 2 ~~years from the date of the election in which the committee is~~
5 3 ~~involved. The candidate of a candidate's committee, or the~~
5 4 ~~chairperson of any other committee, is responsible for filing~~
5 5 ~~statements and reports under this chapter. The board shall~~
5 6 ~~send notice to a committee that has failed to file a~~
5 7 ~~disclosure report at the time required under section 68A.402.~~
5 8 ~~A candidate of a candidate's committee, or the chairperson of~~
5 9 ~~any other committee, may be subject to a civil penalty for~~
5 10 ~~failure to file a disclosure report required under section~~
5 11 ~~68A.402.~~

5 12 Sec. 6. Section 68A.402, subsection 8, Code 2007, is
5 13 amended to read as follows:

5 14 8. POLITICAL COMMITTEES == BALLOT ISSUES. A political

5 15 committee expressly advocating the passage or defeat of a
5 16 ballot issue shall file reports as follows:
5 17 a. ELECTION YEAR. Five days before the election covering
5 18 the period of the date of initial activity through ten days
5 19 before election. Another report covering the time period from
5 20 nine days before the election through December 31 shall be
5 21 filed on or before January 19 of the next calendar year.

5 22 b. NONELECTION YEAR. On January 19 of the next calendar
5 23 year that covers the time period of ~~nine days before the~~
5 24 ~~election through December 31~~ January 1 through December 31 of
5 25 the previous calendar year.

5 26 Sec. 7. Section 68A.406, subsection 2, unnumbered
5 27 paragraph 2, Code 2007, is amended to read as follows:
5 28 ~~This subsection~~ Subparagraphs "d", "e", and "f" shall not
5 29 apply to the posting of signs on private property not a
5 30 polling place, except that the placement of a sign on a motor
5 31 vehicle, trailer, or semitrailer, or any attachment to a motor
5 32 vehicle, trailer, or semitrailer parked on public property
5 33 within three hundred feet of a polling place, which sign is
5 34 more than ninety square inches in size, is prohibited.

5 35 Sec. 8. Section 68A.501, Code 2007, is amended to read as
6 1 follows:

6 2 68A.501 FUNDS FROM UNKNOWN SOURCE == ESCHEAT.

6 3 The expenditure of funds from an unknown or unidentifiable
6 4 source received by a candidate or committee is prohibited.
6 5 Such funds received by a candidate or committee shall escheat
6 6 to the state. Any candidate or committee receiving such
6 7 contributions shall remit such contributions to the ~~director~~
6 8 ~~of the department of administrative services board which shall~~
6 9 ~~forward it to the treasurer of state for deposit in the~~

6 10 general fund of the state. Persons requested to make a
6 11 contribution at a fundraising event shall be advised that it
6 12 is illegal to make a contribution in excess of ten dollars
6 13 unless the person making the contribution also provides the
6 14 person's name and address.

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6 18 _____
6 19 JOHN P. KIBBIE
6 20 President of the Senate

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6 23 _____
6 24 PATRICK J. MURPHY
6 25 Speaker of the House

6 26 I hereby certify that this bill originated in the Senate and
6 27 is known as Senate File 39, Eighty-second General Assembly.

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6 31 _____
6 32 MICHAEL E. MARSHALL
6 33 Secretary of the Senate

6 33 Approved _____, 2007

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7 2 _____
7 3 CHESTER J. CULVER
7 3 Governor